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OFFICE OF GENERAL
COUNSEL

June 30, 2014

Jeff S. Jordan
Assistant General Counsel
Complaints Examination & Legal Administration
Office of the General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: MUR 6837

Dear Mr. Jordan:

Please accept the following response filed on behalf of Grant Lally for Congress, Inc. ("Committee") and Christopher Nolan, Treasurer (together with Committee, "Respondents"). Respondents received a Complaint filed with the Federal Election Commission ("Commission") dated May 30, 2014, but received by them on June 15, 2014.

This response is submitted to your office within 15 days of receipt in accordance with 2 U.S.C. §437g(a), and therefore constitutes a timely response. As discussed herein, the Commission need not give this matter further investigation or action and the Complaint should be immediately dismissed as it pertains to the Respondents.

Alleged Violations

The Complaint was filed by Jesse Bohman, Campaign Manager for the Committee to Elect Stephen A. Labate, Inc. Stephen A. Labate was a candidate for Congress in New York's Third Congressional District. On June 24, 2014, Grant Lally beat Stephen A. Labate in the primary election for New York's Third Congressional District.

The Complaint alleges that the Committee violated 11 CFR 110.16 by sending out a "fundraising email to solicit funds based on a fraudulent misrepresentation that the Lally campaign had received an endorsement of a powerful elected official, County Executive Ed Mangano."

Even if the Complaint was correct factually in support of the allegation, it would not amount to a violation of 11 CFR 110.16. That provision prohibits a person from impersonating

another person's campaign, for the purpose of soliciting funds. There is no allegation here, nor any factual basis to claim, that any funding solicitation was made by or for any other campaign.

But the allegation itself is false. The Committee believed it had received the endorsement of County Executive Ed Mangano. At several public events in April and May, 2014, - including an address to over 100 people at a public meeting of the Theodore Roosevelt Bethpage Republican Club - Mr. Mangano publicly endorsed Mr. Lally, and requested that all Republicans vote for Mr. Lally in the primary election.

On May 28, 2014, Richard Zytka, a volunteer for the Committee, contacted the office of Mr. Mangano, and reviewed with his press office an endorsement quote from Mr. Mangano. As noted in the *Newsday* article enclosed with the Complaint, Mr. Mangano stated that he was unaware of the endorsement, not that it was never made by him or by an agent on his behalf. Notwithstanding these facts, the Committee decided to retract the endorsement out of respect for Mr. Mangano. Even if the announcement of the endorsement was made in error, or prematurely, which it may have been, it was not a fraudulent, willful or knowing misrepresentation under 11 CFR 110.16.

Conclusion

The Commission should dismiss the Complaint and find no reason to believe that a violation of the Act or the regulations promulgated there under has occurred by Grant Lally for Congress or Christopher Nolan, Treasurer, in his official capacity. With respect to Mr. Nolan's personal capacity, he did not knowingly or willfully violate the Act or intentionally deprive himself of the operative facts giving rise to the alleged violation.

Should you have any additional questions with regards to this matter, I may be reached at 202.517.0585. Thank you.

Sincerely,



Elliot S. Berke